

Kim J Dockstader, ISB No. 4207  
Gregory C. Tollefson, ISB No. 5643  
STOEL RIVES LLP  
101 South Capitol Boulevard, Suite 1900  
Boise, ID 83702-5958  
Telephone: (208) 389-9000  
Facsimile: (208) 389-9040  
kjdockstader@stoel.com  
gctollefson@stoel.com

Attorneys for Defendant Micron Electronics, Inc.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, JACQUELINE T.  
HLADUN, MARILYN J. CRAIG,  
JEFFERY P. CLEVINGER, and  
TIMOTHY C. KAUFMANN, individually  
and on behalf of those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**AFFIDAVIT OF MARK ROACH IN  
SUPPORT OF MICRON ELECTRONICS,  
INC.'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT RE STATUTES  
OF LIMITATION**

**AFFIDAVIT OF MARK ROACH IN SUPPORT OF MICRON ELECTRONICS,  
INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF  
LIMITATION - 1**

Boise-170979.2 0026493- 00046

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STATE OF GEORGIA        }  
County of Fulton        } ss.

I, Mark Roach, being duly sworn, state that the following facts are true and correct to the best of my knowledge. The following facts are based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. I was employed by Micron Electronics, Inc. ("MEI") from March 1999 until May 31, 2001. Beginning in March 1999, I was employed as an Internal Compensation Consultant until May 1999, at which time I was promoted to Compensation Manager. In January 2001, I was promoted to Director of Compensation and, in February of 2001, I was promoted again to Director of Compensation and Benefits and worked in that role until May 31, 2001 when MEI entered into a definitive agreement to sell its PC systems business to an unrelated company, GTG PC Holdings, LLC, an affiliate of the Gores Technology Group.

2. When MEI sold its PC systems business, effective June 1, 2001, I transferred with that business and became an employee of a new company which was unrelated to MEI, namely MicronPC Computers, LLC, now known as MPC Computers, LLC ("MPC"). My employment with MPC ended on October 17, 2001.

3. In or about August of 2001, it is my understanding that, as a result of a merger and acquisition, MEI changed its name to Interland, Inc. ("Interland"), based in Atlanta, Georgia. In October 2001, I became an independent consultant and Interland, the ultimate successor to MEI, was one of my clients. In September of 2002, Interland rehired me as Director of Compensation and Benefits.

**AFFIDAVIT OF MARK ROACH IN SUPPORT OF MICRON ELECTRONICS,  
INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF  
LIMITATION - 2**

Boise-170979.2 0026493- 00046

4. As part of my employment or consulting duties, I have at all pertinent times had lawful access to MEI's employment data, including termination dates.

5. Prior to January 2000, MEI's employment data, including termination dates, was entered by MEI personnel on a database system maintained by Micron Technology, Inc. ("MTI") known and referred to as the "VAX system." The VAX system includes MTI's proprietary payroll and human resource information system. MEI was a subsidiary of MTI prior to January of 2000, and as such made use of the VAX system. During 1999, MEI made the decision to migrate its employment data from the VAX system to its own database system.

6. Accordingly, beginning in January of 2000, MEI entered and maintained its own employment data, including termination dates, on a Human Resource Information System (H.R.I.S.), in the form of an Oracle database owned and administered by MEI at its former headquarters located in Nampa, Idaho. As part of the implementation of the H.R.I.S. system, relevant and historical MEI employee information was converted and migrated from the VAX system to the H.R.I.S. system.

7. Following the sale of MEI's PC systems business to GTG PC Holdings, LLC on or about June 1, 2001, MEI (and subsequently Interland as the successor to MEI) paid a fee to MPC to maintain and operate the H.R.I.S. system at MPC's site in Nampa, Idaho. MEI employee data was continually entered and maintained during this time period.

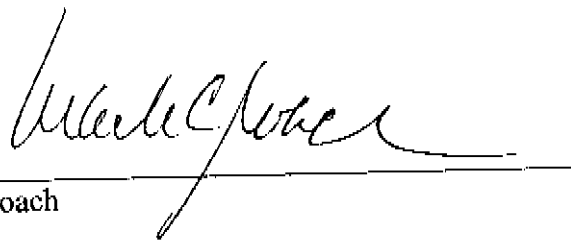
8. The H.R.I.S. database was used by MEI until August of 2001, when MEI moved its headquarters and changed its name to Interland. However, Interland retains access to this database and the MEI information therein, including employment data and termination dates.

9. Attached hereto as **Exhibit "A"** is a table of employee information concerning certain former inside sales representatives that were employed by MEI or one of its sales subsidiaries. This information includes the employee's employee number, first and last names, hire date, and date of termination from employment.

10. This information was compiled directly from H.R.I.S. database reports that were executed coincident with MEI's bi-weekly payroll.

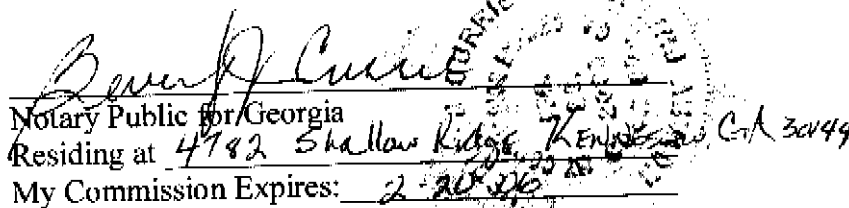
11. I could not find that Patrick Worthington was ever employed by MEI.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.



Mark Roach

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of June, 2004.



Notary Public for Georgia  
Residing at 4782 Shallow Ridge, Kennerly, GA 30144  
My Commission Expires: 2-20-06

**AFFIDAVIT OF MARK ROACH IN SUPPORT OF MICRON ELECTRONICS,  
INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF  
LIMITATION - 1**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17<sup>th</sup> day of June, 2004, I caused to be served a true copy of the foregoing **AFFIDAVIT OF MARK ROACH IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION** by the method indicated below, addressed to the following:

William H. Thomas  
Daniel E. Williams  
Christopher F. Huntley  
HUNTLEY PARK LLP  
250 South Fifth Street  
PO Box 2188  
Boise, Idaho 83701-2188

☐ Via U. S. Mail  
☒ Via Hand-Delivery  
☐ Via Overnight Delivery  
☐ Via Facsimile

  
\_\_\_\_\_  
Kim J. Dockstader

**AFFIDAVIT OF MARK ROACH IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 1**

# **EXHIBIT A**

# Table of Information re Former MEI Inside Sales Representatives

EE #	Emp Last	Emp First	Hire Date	Term Date
38611	Anderson	Laura	10/25/99	08/29/00
502455	Angus	Michael	11/06/00	04/06/01
38272	Ball	Ryan	10/11/99	07/31/01
32860	Baxter	Destiny	10/26/98	05/31/01
500636	Brady	Heidi	03/27/00	01/15/01
14949	Brinckerhoff	William	03/06/95	05/31/01
33809	Browning	Michael	04/26/99	02/16/01
14983	Christensen	Dennis	01/03/95	11/18/00
31947	Claflin	Alan	09/28/98	08/04/00
32916	Clevenger	Jeffery	11/09/98	03/23/00
14996	Craig	Marilyn	03/20/95	09/08/00
19740	Derouen	Rory	04/15/96	12/07/00
13287	Dimas	Hector	01/02/95	05/31/01
33441	Ell	Matthew	01/11/99	05/31/01
32490	Elliott	Heather	12/21/98	02/28/01
22200	Engle	Kevin	11/11/96	04/06/00
32992	Ferrara	Rickey	11/09/98	11/18/00
500902	Fillmore	Eric	05/15/00	11/02/00
38449	Ford	Ken	10/11/99	05/31/01
23130	Garcia	Alan	01/20/97	01/19/01
15045	Gardner	Julie	02/27/95	09/22/00
39236	Hagman	Matt	11/22/99	06/23/00
500694	Harris	Deborah	04/03/00	05/31/01
38433	Hedding	Tim	10/25/99	05/04/01
13195	Henderson	Kevin	12/19/94	04/05/01
25849	Hilliard	Beverly	08/04/97	07/31/01
500860	Hinckley	Michael	04/24/00	06/01/01
15099	Hladun	Jacqueline	08/01/94	08/10/00
22203	Hope	Dale	11/18/96	04/05/01
37230	Hopkins	Don	08/16/99	03/19/00
502160	Howell	Randy	09/18/00	05/31/01
501378	Kaufmann	Timothy	07/10/00	10/09/00
32536	Keen	Ryan	10/12/98	12/14/00
31605	Kluessendorf	Kurt	08/31/98	11/18/00
36449	Kurtin	John	10/04/99	05/08/01
21958	Lee	Linda	10/14/96	09/08/00
500335	Limani	Anthony	04/03/00	05/31/01
15192	Little	Erick	07/11/94	11/18/00
502127	Madison	Jay	09/05/00	05/31/01
31862	Masteller	Marvin	09/14/98	02/18/00
25945	McCullough	Christopher	08/04/97	04/05/00
27446	McGeorge	Laurie	10/13/97	05/31/01

EE #	Emp Last	Emp First	Hire Date	Term Date
21102	McGuire	Charles	07/22/96	05/31/01
21421	McKenzie	Mark	08/19/96	11/18/00
31854	McMurrian	Don	09/14/98	03/02/01
33805	Moffett	Isaac	09/13/99	03/21/01
9420	Monahan	Deborah	05/20/92	01/17/01
25547	Moser	Michael	06/19/00	05/31/01
502161	Nitz	Janice	11/27/00	07/31/01
39055	Papero	Christopher	11/29/99	05/31/01
501094	Parrish	Jeff	05/22/00	05/01/01
37234	Pierce	Susan	10/25/99	05/31/01
502153	Revels	Patrick	09/25/00	07/31/01
37526	Reynolds	Collin	12/20/99	03/08/01
31828	Rinehart	April	09/14/98	02/07/01
28067	Saari	Michelle	11/10/97	11/18/00
39740	Sanderson	Cheryl	12/20/99	01/03/01
502303	Schoonveld	Michael	10/16/00	05/31/01
31163	Seader	Carly	06/24/98	05/31/01
19549	Seale	John	04/01/96	05/31/01
15351	Severson	Matthew	01/03/95	11/18/00
501389	Smith	Kimberley	07/17/00	05/31/01
37038	Stumph	Cheryl	02/21/00	05/31/01
24314	Swanson	Kurt	04/07/97	05/31/01
27632	Thies	Rose	10/20/97	03/26/01
38621	Thom	David	10/25/99	05/31/01
18980	Wells	Tracy (Scott)	02/12/96	05/31/01
27336	Wells	James	10/13/97	05/30/01
501443	Westenhaver	Nanette	08/07/00	05/31/01
502101	Wing	Christopher	09/25/00	05/31/01